

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

TONY SHANE PETERS

§

VS.

§

CIVIL ACTION NO. 1:10cv131

DIRECTOR, TDCJ-CID

§

MEMORANDUM OPINION REGARDING TRANSFER

Petitioner Tony Shane Peters, an inmate confined at the Polunsky Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, brings this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

The above-styled action was referred to the undersigned magistrate judge pursuant to 28 U.S.C. § 636 and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to the United States Magistrate Judge for findings of fact, conclusions of law, and recommendations for the disposition of the case.

Discussion

Title 28 U.S.C. § 2254(a) allows a district court to "entertain an application for a writ of habeas corpus in behalf of a person in custody pursuant to the judgment of a State court only on the ground that he is in custody in violation of the Constitution or laws or treaties of the United States." 28 U.S.C. § 2254(a). Pursuant to 28 U.S.C. § 2241(d), a petitioner may bring his petition for writ of habeas corpus in the district court for the district wherein such person is in custody or in the district court for the district within which he was convicted. Section 2241(d) further provides that the district court in the exercise of its discretion may transfer the action to the other district in the furtherance of justice.

Petitioner was convicted and sentenced in Harris County which is located in the Houston Division of the Southern District of Texas.<sup>1</sup> Petitioner is confined in the Polunsky Unit which is located within the jurisdictional boundaries of the Lufkin Division of the Eastern District of Texas. However, the petition has been inadvertently filed in the Beaumont Division.

The court has considered the circumstances and has determined that the interest of justice would best be served if this petition were transferred to the division in which the petitioner is currently confined. Therefore, this petition should be transferred to the United States District Court for the Eastern District of Texas, Lufkin Division. An Order of Transfer so providing shall be entered in accordance with this Memorandum Opinion.

**SIGNED** this 29 day of April, 2010.

  
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KEITH F. GIBLIN  
UNITED STATES MAGISTRATE JUDGE

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<sup>1</sup> See *Peters v. Director*, Civil Action No. 1:10cv129 (E.D. Tex.).